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July 7, 2004

Our ref.: WO 34763

PCT-Application No.: PCT/IB02/02312

Applicant: Nokia Corporation

(Frist: 12.7. Eing.)

Reference is made to the Written Opinion dated February 12,
 2004.

It is presently intended to maintain claims 1 to 46 as
 filed for the further prosecution of the application.

As acknowledged by the Examiner in the Written Opinion, the
 subject matters of independent claims 1, 14, 27, 41, 42,
 and 43 are definitely novel in comparison to the relevant
 prior art.

However, the Examiner's opinion regarding the inventiveness
 of the claimed subject matter is respectfully contradicted.

It is agreed that one difference between the subject matter
 of the present invention and the method and system
 described in document EP 1 156 623 (referred to hereinafter
 as reference D1) is the provision of a decision
 functionality about roaming of the terminal outside of the
 terminal, i.e. into the network side. Such a "centralized"
 processing of the roaming decision based on a load

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 IBAN-Nr.: DE14 7007 0024 0286 1060 00
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balancing function offers the advantage that, in comparison to the conventional processing in the terminal side according to reference D1, an increased amount of information is available for the roaming decision (see, for example, page 34, first paragraph, of the description). The reason for this is that by this structure the whole network can be monitored which includes also other subscriber terminals than the one for which the roaming decision is to be made. This kind of information gain is not achievable by the system according to reference D1.

It is not obvious to the person skilled in the art to modify the system structure of reference D1 in such a way as defined in the present independent claims, i.e. that the decision function is placed from the terminal to the network side. First of all, the person skilled in the art would realise that such a modification usually results in a higher calculating capability requirement at the access point (i.e. higher costs for the AP device) as well as in a higher signalling traffic load at the terminal/AP interface (data are sent first from the AP to the terminal and then back from the terminal to the AP, while reference D1 describes only the transmission from the AP to the terminal). The skilled person would normally avoid such changes since they are against the normal development targets (lower costs, less traffic load). Thus, the solution provided by the invention would not be an obvious way for him to modify the system described in reference D1. Additionally, reference D1 is completely silent about any possibility to move away the decision function from the terminal side.

Hence, the present invention also involves the required inventive step since the person skilled in the art could not be inspired by the prior art in such a way that the subject matter of the independent claims 1, 14, 27, 41, 42, and 43 could become obvious to him without requiring an inventive activity.

Therefore, it is respectfully submitted that the claimed invention distinguishes over the cited prior art and defines patentable subject matter.

Thus, the Examiner is asked to reconsider her previous opinion and to indicate the allowability of the present claims.

Ronald Roth
Patentanwalt
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